

Honolulu, Hawaii

APR - 3 2019

RE: S.C.R. No. 12

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.C.R. No. 12 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING MEMBERS OF THE UNITED STATES CONGRESS TO AMEND FEDERAL LAW TO ENSURE THAT VICTIMS OF SEXUAL HARASSMENT AND SEXUAL ASSAULT WHO MIGHT OTHERWISE BE FORCED INTO ARBITRATION AND SILENCE INSTEAD HAVE ACCESS TO THE COURTS,"

beg leave to report as follows:

The purpose and intent of this measure is to request members of the United States Congress to amend federal law to ensure that victims of sexual harassment and sexual assault, who might otherwise be forced into arbitration and silenced, have access to the courts.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawaii; Pride at Work Hawaii; O'ahu County Democrats Legislative Priorities Committee; Hawai'i Women Lawyers; Fujiwara and Rosenbaum, LLLC.

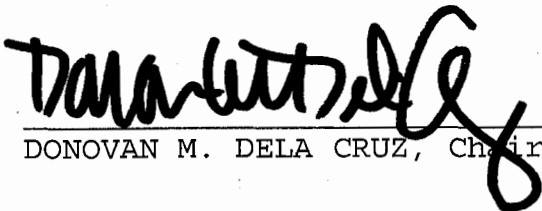
Your Committees find that many employers require their employees, as a condition of employment, to sign arbitration agreements mandating that sexual harassment claims be resolved through arbitration instead of judicial proceedings. Your Committees further find that arbitration agreements frequently contain secrecy requirements which further disserve the public




interest by keeping the harassment complaints and any settlements confidential. Your Committees further find that the United States Senate and House of Representatives are considering legislation to address the issue of forced arbitration and secrecy in sexual harassment and sexual assault cases and thereby enable victims to seek redress in the courts. This measure encourages the United States Congress to further consider and advance those legislative efforts.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 12 and recommend its adoption.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair

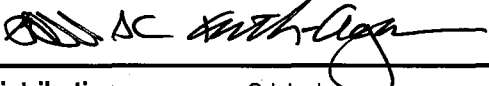


Record of Votes
Committee on Judiciary
JDC

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:
SCR 12	PSM, JDC/WAM	4/3/19
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313
Members	Aye	Aye (WR)
Nay	Excused	
DELA CRUZ, Donovan M. (C)	X	
KEITH-AGARAN, Gilbert S.C. (VC)	X	
ENGLISH, J. Kalani		X
HARIMOTO, Breene		X
INOUE, Lorraine R.	X	
KAHELE, Kaiali'i		X
KANUHA, Dru Mamo	X	
KIDANI, Michelle N.	X	
MORIWAKI, Sharon Y.	X	
RIVIERE, Gil	X	
SHIMABUKURO, Maile S.L.	X	
TANIGUCHI, Brian T.	X	
FEVELLA, Kurt	X	
TOTAL	10	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

*Only one measure per Record of Votes